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S E C R E T SECTION 01 OF 03 SARAJEVO 001748

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SUBJECT: BOSNIA: CITIZENSHIP REVIEW UNDERWAY AS NEGATIVE  
MEDIA ATTENTION GROWS

REF: A. 05 SARAJEVO 2930 B. SARAJEVO 890

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Classified By: DCM Judith Cefkin for reasons 1.4 (B), (D)

¶1. (S) SUMMARY: The Embassy has been working with the GBiH for more than a year to address the potential threat posed by mujaheddin improperly granted citizenship after the 1992-1995 war. The BiH Citizenship Review Commission, established in January 2006 to review these cases, has received around 500 of 900 expected files from the Ministry of Security, and has reviewed approximately 150 cases. The Commission has determined that roughly 50 percent of these individuals should be stripped of their citizenship, and has begun to take action against some of them. Though individuals have the right to appeal the Commission's judgment, these initial determinations represent an important milestone in one of our key counter terrorism objectives.

¶2. (S) Meanwhile, Parliament postponed voting on an amendment to the BiH Citizenship Law that would ban anyone stripped of citizenship from reapplying for it. The amendment, proposed at our urging, was designed to close a loophole that could allow mujaheddin stripped of BiH citizenship to regain it. Unfortunately, the Council of Ministers' Legislative Review Committee changed the language to allow those stripped of citizenship to reapply after five years, provided they qualify on other grounds. Allowing reapplication itself would be a problem, but implementation is also a concern. Bosnia's young bureaucracy adjudication culture is weak. As a result, adjudicators might end up rubber stamping applications and granting citizenship anew.

¶3. (S) Between now and the August parliamentary session, we will raise our concerns about the "five year" language with key Bosnian legislators, but the prospects for reversing the decision are not bright. Even if the House of Representatives strikes the language, the House of Peoples might reinsert it. While not an ideal outcome, failure to adopt any amendment would, from our perspective, be even worse. It would leave in place larger loopholes that the mujaheddin could exploit far more easily than the five-year language. In this case, and for the moment at least, half a loaf may be better than none. END SUMMARY

## CITIZENSHIP COMMISSION MOVES AGAINST MUJAHEDDIN

14. (S) Bosnia's Ministry of Security (MoS) has transferred 500 of the 900 expected files to the Citizenship Review Commission, which was established in January 2006 to address the wartime legacy of foreign fighters (mujaheddin) improperly awarded Bosnian citizenship. The MoS files are supplemented by information provided by the Ministry of Defense (MoD), as well as state, entity, and cantonal law enforcement organizations. According to MoS Assistant Minister and Commission Chair Vjekoslav Vukovic, law enforcement agencies at all levels, with the exception of Sarajevo Canton, have been responsive to Commission requests. Vukovic attributes Sarajevo Canton's problems to incompetence and disorganization rather than deliberate obstruction. He also notes that the MoD has been slow to provide useful information, but believes this reflects the poor inventory of its archives.

15. (S) Vukovic is optimistic that the Commission will review all 900 files and complete its mandate sometime early next year. (Note: Bosnian press reports have inaccurately estimated the Commission must review anywhere from 1,000 to 1,500 files. End Note). The Commission has already finished reviewing approximately 150 cases and determined in that roughly 50 percent of the individuals obtained their citizenship irregularly and should be stripped of it. The Commission has begun to notify some of these individuals, all of whom have the right to an administrative appeal of the Commission's decision. Vukovic predicts the Commission will decide many cases summarily, since a large number of individuals no longer reside in Bosnia or maintain substantial ties here.

## PARLIAMENT FAILS TO CLOSE CITIZENSHIP LOOPHOLES

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16. (C) On June 19, the Council of Ministers (CoM) approved a draft amendment to Bosnia's citizenship law that would bar those stripped of citizenship from re-applying for five years. The amendment was designed to close a loophole in Bosnian law that might allow foreign fighters stripped of their citizenship by the Commission to re-obtain it. The CoM modified the proposed amendment for reasons that are unclear. The original draft law (which the U.S. supported) would have permanently banned those stripped of their citizenship from reapplying. The new language would allow them to reapply for citizenship after five years. In some cases, the reapplication could be filed as soon as a year from now, as some individuals lost their citizenship as early as 2002 via previous review processes. The timing would be unfortunate, as BiH's adjudication bureaucracy is currently weak. Past experiences suggests that BiH officials could well fail to adequately adjudicate re-applications, allowing foreign fighters to re-obtain their citizenship.

17. (C) According to Elmir Jahic, Chair of the Parliamentary Committee on Human Rights, Immigration and Asylum, the five-year language was added by the CoM's Legislative Affairs Committee, which reviews all CoM-proposed legislation, to address "human rights concerns." Though Jahic had portrayed himself to us as a supporter of the original language, he made no effort to restore it when his committee reviewed the amendment prior to sending it to Parliament. On July 24, the House of Representatives postponed its vote on the amendment, citing unspecified technical reasons. Legislators tentatively plan to take it up again during Parliament's end of August session (no date has been announced).

18. (C) The House of Representatives might remove the five-year timeline for reapplication from the law, but the House of Peoples is likely to restore it. The more extremist Bosniak representatives known to be sympathetic to the foreign fighters' cause (foremost among them Hasan Cengic,

who is likely to retain his seat after the October elections) are located in the House of Peoples, and probably would block any measure that permanently barred those who lost citizenship from reapplying. The Citizenship Review Commission initially planned to wait until after the issue of reapplication was settled before finalizing any cases, but in part because of political pressure (mainly from Serbs), it decided to act on a first tranche. We understand it will continue to slowly release additional decisions over the next several months.

#### NEGATIVE MEDIA ATTENTION GROWS

¶9. (C) Negative media attention on the Commission's work has increased. Abu Hamza (aka AL HUSEIN IMAD, DPOB: 10 Aug. 1963, Mohassan, Syria), the Syrian-Bosnian self-proclaimed spokesman for Bosnia's radical Muslim community and a Commission target, has appeared on television and given several press interviews over the last few months, beginning in April (ref. B). In June, Amnesty International, the BiH Helsinki Commission for Human Rights, and the International Committee for Human Rights called into question the citizenship review process. In a story widely carried by the local BiH media, the groups demanded BiH authorities ensure that people who lose BiH citizenship would not be transferred to countries where they could face the death penalty, torture or other inhuman treatment. This was the first instance of international organizations officially commenting on the review process.

¶10. (C) Shortly after the publication of the joint statement by the human rights NGOs, the BiH Weekly "Patriot" published an article listing the names and "final" decisions from each case reviewed by the Commission so far. The "Patriot" is a hard-line Serb nationalist weekly paper published in Banja Luka, with suspected ties to the more radical elements of the SDS. The story included specific details of each case and identified current public office holders it alleges assisted mujaheddin in acquiring BiH citizenship illegally. It suggests someone provided the paper with access to Commission files, perhaps in an effort to embarrass Bosniak politicians

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believed to be sympathetic to the cause of mujaheddin, and to widen the already growing rift between moderate and extremist Bosniak politicians in the run-up to the October elections. News articles on the Commission, mostly negative in tone, now appear regularly in the local press.

#### COMMENT

¶11. (S) Completion of the Citizenship Commission's work on reviewing the citizenship claims of former mujaheddin and closing of the final loophole in the citizenship law are top USG counter terrorism priorities. Over the last several weeks, the Citizenship Commission has made solid progress in its work. However, the Council of Ministers' actions on the Citizenship Law Amendment, and the increasing negative attention from the media and human rights NGOs, have diminished considerably the chances for a fully satisfactory outcome. We will raise our concerns with sympathetic parliamentarians, but we must also prepare contingencies to deal with the likelihood that the "five year" language will become law.

¶12. (S) Separately, the leak of information to the Serb hard-line weekly "Patriot" is also disturbing, not least because the individuals concerned could take pre-emptive action, e.g., disappear or try to file advance asylum applications. The timing is particularly unfortunate, as it raises the profile of the Commission, and the sensitive issue of Muslim extremists in Bosnia, at the beginning of what is already a vitriolic, ethnic-baiting pre-election season.

MCELHANEY